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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS ¹

INSECTICIDE AND FUNGICIDE BOARD

No. 58

N. J. 1076-1100

[Approved by the Secretary of Agriculture, Washington, D. C., June 25, 1927]

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910

[Given pursuant to section 4 of the insecticide act of 1910]

1076. Adulteration and misbranding of "Kellogg's Ant Paste." U. S. v. Johnson, Carvell & Murphy. Plea of guilty. Fine, \$75. (I. & F. No. 1419. Dom. No. 20157.)

On November 19, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Johnson, Carvell & Murphy, a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 10, 1924, from the State of California into the State of Washington, of a quantity of "Kellogg's Ant Paste," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Active Ingredient Arsenious Oxide 9.40 Per Cent. Inert Ingredients 90.60 per cent. Total Arsenic as As 7.40 per cent. Water Soluble Arsenic Expressed as As 7.12 per cent," borne on the label affixed to each of the bottles containing the said article, represented that its standard and quality were such that it contained arsenious oxide in the proportion of not less than 9.40 per cent contained arsenic, expressed as metallic arsenic, in the proportion of not less than 7.40 per cent, contained water-soluble arsenic, expressed as metallic arsenic, in the proportion of not less than 7.12 per cent, and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects (ants), in the proportion of not more than 90.60 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 9.40 per cent of arsenious oxide, contained less than 7.40 per cent of total arsenic, expressed as metallic arsenic, contained less than 7.12 per cent of water-soluble arsenic, expressed as metallic arsenic, and contained more than 90.60 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements borne on the label were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in

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that they represented that the said article contained not less than 9.40 per cent of arsenious oxide, not less than 7.40 per cent of total arsenic, expressed as metallic arsenic, not less than 7.12 per cent of water-soluble arsenic, expressed as metallic arsenic, and contained not more than 9.60 per cent of inert ingredients; whereas the said article contained less arsenious oxide, less total arsenic, expressed as metallic arsenic, less water-soluble arsenic, expressed as metallic arsenic, and more inert ingredients than so represented.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients; that is to say, substances that do not prevent, destroy, repel, or mitigate insects (ants), and the name and the percentage amount of each and every one of the said inert substances so present therein were not stated plainly and correctly, or at all, on the label affixed to each of the cartons inclosing the bottles containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly, or at all, on the said label.

On December 8, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$75.

W. M. JARDINE,
Secretary of Agriculture.

1077. Misbranding of "Sectease." U. S. v. Charles H. Ellis. Plea of guilty. Fine, \$100. (I. & F. No. 1363. Dom. Nos. 18881, 19067.)

On March 30, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Charles H. Ellis, Port Chester, N. Y., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about June 12, 1923, from the State of New York into the State of Rhode Island, and on or about July 2, 1923, from the State of New York into the District of Columbia, of quantities of "Sectease," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, (Shipping box) "Sectease Kills All Insects." (Individual cartons) * * * "Sectease is guaranteed to do all that is claimed. For killing fleas on human or animal, also mosquitos, * * * Moth in carpet or clothing, Lice in children's hair, * * * all other vermin so far as feasible * * * For lice or vermin in hair or body—Apply Sectease freely, allowing it to penetrate to the cuticle; let the powder remain over night if necessary; comb and wash in the morning. Bed * * * bugs, * * *—Blow Sectease about the place infested; if the powder touches the insects it will kill them. As a food for these troublesome vermin, mix equal parts of Sectease with sweetened cornmeal, slightly moistened and sprinkle about crevice, sink or pantry. * * * For Potato bugs and all other Vegetable Insects—Sectease possesses a peculiar virtue for the Gardener and Farmer, because it will adhere to the leaf of the plant and work like a charm in preserving vegetation * * * For Dog, Cat or other pet animal—Stand over a large sheet of paper and rub into hair. In a moment the fleas will drop off. * * * Mosquitoes—When mosquitoes are annoying, expose Sectease to the atmosphere of the room, and if necessary apply the power to the hands, face and arms * * * For Moth in clothing or carpet—Use as an ordinary insect powder. Sectease will not soil the most delicate fabric, which can be shaken or dusted at pleasure. * * * Sectease will aid in killing any and all kinds of insects whether about the house or plant, animal or human * * * Sectease will help to exterminate Croton bugs, cockroaches, red and black ants, spiders and worms if sprinkled about the place infested. Try it to be convinced." (Cans) "For fleas and all other kinds of insects. * * * Sectease will do all that is claimed. For killing fleas on human or animal, also mosquitoes, * * * Moth in carpet or clothing, Lice in children's hair, * * * and all other vermin so far as feasible," borne on the labels affixed to the shipping box, individual cartons, and cans containing the said article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against all insects, would be an effective remedy against fleas on humans or animals and against mosquitoes, moths in carpets or clothing, lice in children's hair, and all other vermin; would be an effective remedy against

lice and all vermin in the hair or body; would be an effective remedy against bed bugs, and against potato bugs, and all other insects that infest vegetables; would be an effective remedy against fleas, moths, any and all kinds of insects and all spiders and all worms; whereas, the said article, when used as directed, would not be effective for the above purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, namely, of substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on the label affixed to each of the cans or cartons containing the said article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the labels of the said cans and cartons.

On April 12, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100.

W. M. JARDINE,
Secretary of Agriculture.

1078. Misbranding of "Thompson's Bollweevil Eradicator." U. S. v. Thompson Chemical Co. Plea of guilty. Fine and costs, \$10. (I. & F. No. 1188. Dom. No. 16972.)

On July 31, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Thompson Chemical Co., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 6, 1922, from the State of Tennessee into the State of Louisiana, of a quantity of "Thompson's Bollweevil Eradicator," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, "Thompson's Bollweevil Eradicator," borne on the bag containing the said article, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the said article, when used as intended, would be an effective remedy against the cotton boll weevil; whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted completely of inert substances, namely, of substances that do not prevent, destroy, repel, or mitigate insects, to wit, the cotton boll weevil, when used and applied in the method and manner as directed, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein, were not stated plainly and correctly, or at all, on any label borne on or affixed to the bag containing the article.

On March 16, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a penalty in the amount of \$10, in lieu of fine and costs.

W. M. JARDINE,
Secretary of Agriculture.

1079. Misbranding of "Penn-ola." U. S. v. John N. Wittpenn, sr., and John N. Wittpenn, jr. (Rockland Chemical Co.) Pleas of guilty. Fines, \$10. (I. & F. No. 1412. Dom. No. 19482.)

On October 1, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against John N. Wittpenn, sr., and John N. Wittpenn, jr., trading as a partnership at Newark, N. J., as the Rockland Chemical Co., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about April 20, 1925, from the State of New Jersey into the State of New York, of a quantity of "Penn-ola," which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, regarding the said article, to wit,

" IN HOSPITALS AND SICK ROOMS.

	Penn-Ola	Water
Spray for walls, etc-----	1 teaspoonful to 3 pts.	
Baths for soiled sheets-----	1 tablespoonful to 1½ gals.	
For the skin-----	1 teaspoonful to 2 qts.	
Night commodes-----	1 teaspoonful to 1 pt.	
Utensils and floors-----	3 teaspoonful to 3 pts.	

FOR GENERAL USE.

	Penn-Ola	Water
Schools, factories, etc-----	1 tablespoonful to 1½ gals.	
Cars, railways, trolley, etc-----	1 tablespoonful to 1½ gals.	
General spray for home-----	1 teaspoonful to 3 pts.	
Laundries-----	1 tablespoonful to 1½ gals.	
Lavatories, sinks, etc-----	2 tablespoonsful to 1½ gals.	
Spittoons-----	1 teaspoonful to 1 pt.	
* * * * *		

"Penn-ola (Picture of Chicken) Poultry Disinfectant * * * It is especially recommended as a Bactericide and Disinfectant for destroying the germs of all infectious and contagious diseases. * * * The Ideal Animal and Poultry Disinfectant. For infectious and contagious diseases, such as Foot and Mouth Diseases, Hog Cholera, Glanders (Farcy), Tuberculosis, Anthrax, Distemper, Roup, Chicken Pox, etc., and all Germ Diseases. * * * A solution of 1 part of Penn-Ola to 200 parts of warm water will be found beneficial in the treatment of wounds, cuts, * * * "Penn-Ola Poultry Disinfectant and Lice Killer * * * A solution of 1 part of Penn-Ola to 200 parts of warm water will be found beneficial * * * as a preventative wash for fleas and lice,"

were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective disinfectant under all conditions, would disinfect soiled sheets under all conditions, would disinfect the skin, would disinfect utensils and floors under all conditions, would act as a general disinfectant of schools, factories, etc., cars, railways, trolleys, etc., homes, laundries, lavatories, sinks, etc., and spittoons; would destroy all germs of all infectious and contagious diseases of poultry and would be an efficient disinfectant against all such diseases under all conditions; would be an ideal animal and poultry disinfectant for all infectious and contagious diseases of animals and poultry such as foot-and-mouth diseases, hog cholera, glanders (farcy), tuberculosis, anthrax, distemper, roup, chicken pox, etc., and against all germ diseases under all conditions; would prove beneficial in the treatment of all types and varieties of wounds and cuts, and would be an effective remedy against poultry lice, and against fleas and lice on animals and poultry; whereas the said article, when used as directed, would not be effective for the above purposes.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, which said substance does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly on the label affixed to each of the cans containing the article; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of inert substances or ingredients so present therein stated plainly and correctly on the said label.

On October 18, 1926, the defendants entered pleas of guilty to the information and the court imposed a fine of \$5 against each defendant.

W. M. JARDINE,
Secretary of Agriculture.

1080. Misbranding of "Silmo." U. S. v. David Molofsky. Plea of guilty. Fine, \$25. (I. & F. No. 1400. Dom. Nos. 19827, 19829, 19830.)

On May 17, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against David Molofsky, trading as the Silmo Chemical Co., Vineland, N. J., alleging shipment by said

defendant, in violation of the insecticide act of 1910, in various consignments, on or about December 5, 1924, and January 8, 1925, respectively, from the State of New Jersey into the State of Delaware, and on or about December 31, 1924, from the State of New Jersey into the State of Pennsylvania, of quantities of "Silmo," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, regarding the said article, to wit, "Silmo Chlorinated * * * Silmo is a coal tar product made much more efficient by the addition of Chlorine, * * * For Sanitation Use Chlorinated Silmo," "20 Times The Germicidal Power of Pure Carbolic Acid * * * Contains not over 4 per cent of water (inert)," "Then again it serves its purpose as a valuable healing application for * * * skin diseases. * * * For dipping sheep, * * * For sheep scab * * * ." "For Vaporizing * * * These vapors have proven remarkably successful in controlling roup, chicken pox, colds, sore eyes, and canker," "It is most effective in destroying parasites and insect pests * * * Chlorinated Silmo, when vaporized, gives off fumes and vapors 800 times its volume. These vapors have proven remarkably successful * * * in ridding fowls of lice."

Borne on the label affixed to the tins containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained a significant quantity of chlorine and contained chlorine in free condition; that it possessed twenty times the germicidal power of pure carbolic acid against all disease germs, and did not possess more than 4 per cent of water; that the article, when used as directed, would be valuable as a healing application for all types and varieties of skin diseases; that without repeated use it would be effective in the control of sheep scab; that when used as directed it would be effective in controlling roup and chicken pox, all types and varieties of colds and canker, and all conditions known as sore eyes in poultry; and would be an effective remedy against all parasites and all insect pests and against chicken lice; whereas the said article did not contain a significant quantity of chlorine and did not contain chlorine in a free condition; it did not possess twenty times the germicidal power of pure carbolic acid against all disease germs and did possess more than 4 per cent of water; the said article, when used as directed, would not be valuable as a healing application for all types and varieties of skin diseases, and without repeated use would not be effective in the control of sheep scab; and the said article, when used as directed, would not be effective in controlling roup and chicken pox, all types and varieties of cold and canker, and all conditions known as sore eyes in poultry, and would not be an effective remedy against all parasites and all insect pests and against chicken lice.

Misbranding was alleged with respect to a portion of the product for the further reason that certain statements borne in the circulars accompanying the said portion were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained a significant quantity of chlorine and that when used as directed it would kill all types and varieties of disease germs under all conditions; that it was the strongest germ-killing disinfectant on the market and the strongest highly concentrated coal-tar product in use at that time; that it was twenty times more powerful than pure carbolic acid against all germs and that 1 gallon of the article would make 500 gallons of standard disinfectant for all purposes; and that when used as directed it would be effective against all parasites in poultry houses, would be an efficient practical flock treatment for roup, sore eyes, chicken pox, and all types and varieties of colds and would be effective against roup, chicken pox, and all types and varieties of colds in poultry; would be effective against body lice on poultry and against flies; would protect animals from all diseases, disease germs, and all body parasites; would be effective against abortion in cattle and ewes; would prevent navel infection; would prevent in all cases face and tail scab; and would be effective in all skin infections in hogs against pink eye, all types and varieties of grease heel, and all conditions known as "thrush" in horses would, without repeated treatment, be effective against scab in sheep, and would rid the dog of fleas and all parasites; whereas the said article did not contain a significant quantity of chlorine; it was not the strongest germ-killing disinfectant on the market and the strongest highly-concentrated coal-tar product in use at that time; it was not twenty times

more powerful than pure carbolic acid against all germs; 1 gallon of the article would not make 500 gallons of standard disinfectant for all purposes; and the said article, when used as directed, would not be effective for the above purposes.

On September 21, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1081. Misbranding of "Pet-Sope." U. S. v. World Chemical Co. Collateral of \$200 forfeited. (I. & F. No. 1420. Dom. No. 20782.)

On November 24, 1926, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid, an information against the World Chemical Co., a corporation, trading at Washington, D. C., alleging that on or about June 16, 1925, the said company did sell in the District of Columbia a quantity of "Pet-Sope," which was a misbranded insecticide and fungicide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Pet-Sope * * * Unexcelled in bath of dogs and cats and other animals for fleas, lice, itch, mange, sores, and other skin diseases * * *," "Directions Shake Well Apply soap to coat, moisten nightly with water, working lather well through the hair. Rinse off and dry. For Mange, itch, sores, and other diseases, apply daily and let dry." borne on the label, affixed to each of the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be effective and unexcelled as a control against lice and against all types and varieties of itch, mange, sores, and other skin diseases on dogs, cats, and other animals, and would be effective in the treatment of all types and varieties of mange, itch, sores, and other diseases of dogs and cats and other animals; whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water; that is to say, a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly, or at all, on the label affixed to each of the cans containing the said article; nor, in lieu thereof, was the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly, or at all, on the said label.

On November 24, 1926, no appearance having been entered on behalf of the defendant company, the \$200 collateral which had been deposited by it to insure appearance was declared forfeited by the court.

W. M. JARDINE,
Secretary of Agriculture.

1082. Misbranding of "Lime Sulphur Solution." U. S. v. Wescott, Slade & Balcom Co. Plea of guilty. Fine, \$20. (I. & F. No. 1408. Dom. Nos. 20295, 20374.)

On September 3, 1926, the United States attorney for the district of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Wescott, Slade & Balcom Co., a corporation, Providence, R. I., alleging shipment by said company, in violation of the insecticide act of 1910, in two consignments, on or about February 17 and June 27, 1925, respectively, from the State of Rhode Island into the State of Massachusetts, of quantities of "Lime Sulphur Solution," which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, to wit, "2 Quarts," borne on each of the cans containing the said article, represented that each of said cans contained 2 quarts of the article; whereas the contents of each of the said cans were not correctly stated on the outside of the packages, in that they contained less than 2 quarts of the said article.

On October 7, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$20.

W. M. JARDINE,
Secretary of Agriculture.

1083. Adulteration and misbranding of "Germo Magic Lice Powder,"
U. S. v. Germo Mfg. Co. Plea of guilty. Fine, \$100 (I. & F. No.
1398. Dom. No. 20438.)

On August 11, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Germo Manufacturing Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 15, 1925, from the State of California into the State of Arizona, of a quantity of "Germo Magic Lice Powder," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Active Ingredients: Sulphur 20.00 per ct. Naphthalene 10.00 per ct. Nicotine 0.40 per ct. Cresylic Acid 1.83 per ct. Inert Ingredients 67.77 per ct." borne on the label affixed to the cartons containing the said article represented that its standard and quality were such that it contained not less than 20 per cent of sulphur, not less than 10 per cent of naphthalene, not less than 0.40 per cent of nicotine, not less than 1.83 per cent of cresylic acid, and contained not more than 67.77 per cent of inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less sulphur, less naphthalene, less nicotine, less cresylic acid, and more inert ingredients than so represented.

Misbranding was alleged for the reason that the above-quoted statements borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 20 per cent of sulphur, not less than 10 per cent of naphthalene, not less than 0.40 per cent of nicotine, not less than 1.83 per cent of cresylic acid, and not more than 67.77 per cent of inert ingredients; whereas the said article contained less sulphur, naphthalene, nicotine, and cresylic acid and more inert ingredients than so represented.

Misbranding was alleged for the further reason that the statements, to wit, "For Lice On Fowls: Catch the fowl and hold by the legs with the head down. Dust the Powder thoroughly, rubbing it in well among the fluff, so as to get it next the skin, especially under the wings and around the head and neck. Repeat in a few days to kill any lice which may have hatched since the last application. * * * For Lice In Hen Houses: House should first be swept out, then close all doors and windows; begin at the further end, scattering the powder freely through the air and all over the floor, while walking backwards. See that all perches, nests and all parts of the hen houses are covered thoroughly, leaving a dense cloud of powder suspended thru the house. This will gradually settle in cracks and crevices and will destroy all lice it reaches." "Germo Magic Lice Powder, * * * For Lice On Domestic Animals:—Rub the powder well through the hair or fur using either a brush or the hand. Repeat when necessary until all lice disappear. This method will also be found effective for fleas." borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice on fowls and in hen houses, and would be an effective remedy against lice and fleas on domestic animals; whereas the said article, when used as directed, would not be an effective remedy against lice on fowls and in hen houses, and would not be an effective remedy against lice and fleas on domestic animals.

On October 18, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. M. JARDINE,
Secretary of Agriculture.

1084. Misbranding of "Bug-i-cide." U. S. v. John N. Wittpenn, sr., and John N. Wittpenn, jr. (Rockland Chemical Co.). Pleas of guilty. Fines, \$10. I. & F. No. 1413. Dom. Nos. 19843. 19872.)

On October 1, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against John N. Wittpenn, sr., and John N. Wittpenn, jr., trading as a partnership at Newark, N. J., as the Rockland Chemical Co., alleging shipment by said defendants, in violation of the insecticide act of 1910, in two consignments, on or about April 20, 1925, and September 25, 1925, from the State of New Jersey into the States of New York and Pennsylvania, respectively, of quantities of "Bug-i-cide," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, "One Quart," borne on the cans containing the said article, represented that each of said cans contained 1 quart of the article; whereas the contents of the cans were not correctly stated on the outside thereof, in that they contained less than 1 quart of the said article.

Misbranding was alleged for the further reason that the statements, to wit, "Bug-i-cide The Great Insect Destroyer Kills instantly. Bed Bugs, Roaches, Water Bugs, Moths, Ants, Mosquitoes, Fleas, Spiders, Carpet Bugs, Poultry Lice, Mites, Nits, Etc., and Absolutely Destroys the Larvae or Eggs of such insect life * * * Directions Spray thoroughly in all cracks or crevices or wherever insects are likely to be found. A second application within a week may be advisable in order to be absolutely sure that all nits and eggs which have been hatched since the first treatment are destroyed." borne on the labels of the said cans were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against all nits, the larvae and eggs of ants, mosquitoes, and fleas; whereas, when used as directed, it would not be an effective remedy against all nits, larvae, and eggs of ants, mosquitoes, and fleas.

On October 18, 1926, the defendants each entered a plea of guilty to the information and were each fined \$5.

W. M. JARDINE,
Secretary of Agriculture.

1085. Adulteration and misbranding of "Agrimid Phenyle Disinfectant." U. S. v. Agrimid Products Co. Plea of guilty. Fine, \$100. (I. & F. No. 1401. Dom. No. 20376.)

On July 26, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Agrimid Products Co., a corporation, College Point, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 27, 1925, from the State of New York into the State of Connecticut, of a quantity of "Agrimid Phenyle Disinfectant," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Not Over 10% Water—Coefficient 2 R. W. Test," borne on the label affixed to each of the cans containing the said article, represented that its standard and quality were such that it contained not more than 10 per cent of water, and possessed a coefficient of not less than 2 as measured by the Rideal-Walker test; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained more than 10 per cent of water, and possessed a coefficient less than 2 as measured by the Rideal-Walker test.

Misbranding was alleged for the reason that the statements to wit, "Not Over 10% Water—Coefficient 2 R. W. Test," borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article contained not more than 10 per cent of water, and possessed a coefficient of not less than 2 as measured by the Rideal-Walker test; whereas it contained more than 10 per cent of water and possessed a coefficient less than 2 as measured by the Rideal-Walker test.

Misbranding was alleged for the further reason that the statements, to wit, "Non-Poisonous," "Agrimid Phenyle Disinfectant * * * A valuable help in checking decomposition in animal and vegetable matter; to overcome foul

odor and as a general cleanser for home, farm, factory, mill, packing-plants, stables, etc. For all ordinary purposes use 1 part of Agramid-Phenyle to 50 parts cold water * * * Highly recommended for use in stables, kennels and poultry houses," borne on the said label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article was non-poisonous, and that, when used as directed, it would overcome all foul odors and would be an effective general disinfectant; whereas the said article was poisonous, and when used as directed would not overcome all foul odors and would not be an effective general disinfectant.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly on the label affixed to each can containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On July 26, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. M. JARDINE,
Secretary of Agriculture.

1086. Misbranding of "Kreo." U. S. v. The W. T. Rawleigh Co. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 1403. Dom. Nos. 19487, 20680.)

On September 21, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the W. T. Rawleigh Co., a corporation, Freeport, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, in two consignments, on or about February 7, 1924, and March 25, 1925, respectively, from the State of Illinois into the State of California, of quantities of "Kreo," which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, to wit, "16 Fl. Oz." borne on the bottles containing the said article represented that the said bottles each contained 16 fluid ounces of the article; whereas the contents of the said bottles were not correctly stated on the labels thereof, in that each bottle contained less than 16 fluid ounces of the said article.

On October 18, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1087. Adulteration and misbranding of "Springdale Brand Lime Sulphur Solution." U. S. v. Walker Brothers, Inc. Plea of guilty. Fine, \$25. (I. & F. No. 1417. Dom. No. 20610.)

On October 8, 1926, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Walker Brothers (Inc.), a corporation, Springdale, Ark., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 21, 1925, from the State of Arkansas into the State of Missouri, of a quantity of "Springdale Brand Lime Sulphur Solution," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Calcium polysulphide 31 per cent * * * Inert Ingredients, 67 per cent. Total Sulphur in solution 25 to 28 per cent. The material in this package tested 32 to 34 degrees, Beaume Scale, when filled and shipped," borne on the label, affixed to each of the barrels containing the said article, represented that its standard and quality were such that it contained calcium polysulphide in the proportion of not less than 31 per cent; that it contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 67 per cent; that it contained total sulphur in solution in the proportion of not less than 25 per

cent, and that the Baumé test of the article was not less than 32; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 31 per cent of calcium polysulphide, it contained more than 67 per cent of inert ingredients, it contained less than 25 per cent of sulphur in solution, and the Baumé test of the said article was less than 32.

Misbranding was alleged for the reason that the above-quoted statements borne on the labels were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 31 per cent of calcium polysulphide, not more than 67 per cent of inert ingredients, not less than 25 per cent of sulphur in solution, and that the Baumé test of the article was not less than 32; whereas the said article contained less than 31 per cent of calcium polysulphide, more than 67 per cent of inert ingredients, less than 25 per cent of sulphur in solution, and the Baumé test of the article was less than 32.

Misbranding was alleged for the further reason that the statements, to wit, "For the San Jose Scale, use 1 gallon to 8 or 9 gallons of water—apply late in the Fall or Early Spring when the trees are Dormant," borne on the said label were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against San Jose scale; whereas in fact and in truth it would not.

On October 18, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1088. Adulteration and misbranding of "Solution Cresol Compound U. S. P." U. S. v. Blumauer-Frank Drug Co. Plea of guilty. Fine, \$25. (I. & F. No. 1369. Dom. No. 20183.)

On October 14, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Blumauer-Frank Drug Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the insecticide act of 1910, on or about September 16, 1924, from the State of Oregon into the State of Washington, of a quantity of "Solution Cresol Compound U. S. P.," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Water (inert) 13%," borne on the labels affixed to the bottles containing the said article, represented that its standard and quality were such that it contained water in the proportion of not more than 13 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained more than 13 per cent of water. Adulteration was alleged for the further reason that the statements, to wit, "Solution Cresol Compound U. S. P. Water (inert) 13%," borne on the labels, represented that the article was of the required strength for liquor cresolis compositus as prescribed by the United States Pharmacopœia, and that it contained not more than 13 per cent of water; whereas the said article was not of the required strength for liquor cresolis compositus as prescribed by the said Pharmacopœia, and the said article did not contain water in a proportion of not more than 13 per cent, but a substance, to wit, water, had been substituted in part for liquor cresolis compositus as prescribed by the Pharmacopœia, and for a product purporting to contain not more than 13 per cent of water.

Misbranding was alleged for the reason that the statements, "Water (inert) 13 %" and "Solution Cresol Compound U. S. P." borne on the labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not more than 13 per cent of water, and was of the required strength for liquor cresolis compositus as prescribed by the United States Pharmacopœia; whereas the said article did contain more than 13 per cent of water, and it was not of the required strength for liquor cresolis compositus as prescribed by the said Pharmacopœia, in that it contained more water, less soap, and less phenols than so prescribed. Misbranding was alleged for the further reason that the article was in package form and the

statement, "4 Ounces," borne on the labels, represented that each of said bottles contained 4 ounces of the article; whereas the contents of each of the said bottles were not correctly stated on the outside of the said packages, in that each of said bottles contained less than 4 ounces of the said article.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly on the label affixed to each of the bottles containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substance so present therein stated plainly and correctly on the said label.

On August 4, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1089. Adulteration and misbranding of "Auto-Siphonic Thymol." U. S. v. Williams Disinfecting and Chemical Co. Plea of guilty. Fine, \$25.
(I. & F. No. 1281. Dom. No. 17290.)

On September 4, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Williams Disinfecting & Chemical Co., a corporation, Sharpsburg, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 28, 1922, from the State of Pennsylvania into the State of Ohio, of a quantity of "Auto-Siphonic Thymol," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Auto-Siphonic Thymol," borne on the labels affixed to the can and shipping package containing the said article, represented that its standard and quality were such that it contained and consisted of thymol: whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it did not contain and did not consist of thymol.

Adulteration was alleged for the further reason that the statement, "Auto-Siphonic Thymol," borne on the said labels represented that the article contained and consisted of thymol; whereas it did not contain and consist of thymol, but other substances, to wit, water, soap, coal tar, neutral oils, and coal-tar phenols, had been substituted in whole and in part for thymol, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Auto-Siphonic Thymol," borne on the said labels was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the said article contained and consisted of thymol, whereas it did not contain and did not consist of thymol.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly, or at all, on the label affixed to the can or the shipping package containing the said article; nor, in lieu thereof, were the names and percentage amounts of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substance so present therein stated plainly and correctly, or at all, on the said labels.

On April 21, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1090. Misbranding of "Star Parasite Remover." U. S. v. Carl R. Aker (Star Chemical Co.). Plea of guilty. Fine, \$50. (I. & F. No. 1349. Dom. No. 203T3.)

On June 30, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against

Carl R. Aker, trading as the Star Chemical Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about July 16, 1924, from the State of Missouri into the State of Tennessee, of a quantity of "Star Parasite Remover," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Analysis: Active ingredients, 29%; Sulphur Lime, Calcium Polysulphide, Calcium Thiosulphate. Inert ingredients 71%," borne on the labels affixed to the bottles containing the article were false and misleading, and by reason of the said statements the said article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained active ingredients, namely substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 29 per cent, and contained inert ingredients, namely, substances that do not prevent destroy, repel, or mitigate insects, in the proportion of not more than 71 per cent; whereas the said article consisted entirely of inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects when used as directed on the labels thereof.

On June 25, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1091. Misbranding of "C. F. Emmett's Specific Remedy." U. S. v. I. L. Lyons & Co., Ltd. Plea of guilty. Fine, \$50. (I. & F. No. 1138. Dom. No. 16338.)

On July 25, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against I. L. Lyons & Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by said company, in violation of the insecticide act of 1910, on or about February 28, 1921, from the State of Louisiana into the State of Tennessee, of a quantity of "C. F. Emmett's Specific Remedy," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, "Contains 66-2/3% Alcohol," borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser, in that the said statement represented that the article contained 66½ per cent of alcohol; whereas it contained less than 66½ per cent of alcohol.

Misbranding was alleged for the further reason that the statements, to wit, "C. F. Emmett's Specific Remedy * * * Botts and Colic in Horses, Mules and Cows, * * * Dose. A teaspoonful on a tablespoonful of sugar and placed upon the tongue, or a teaspoonful in a wine glass of water and injected into the mouth. Repeat every ten minutes until relieved, not exceeding five doses. * * * In case the animal is swollen any length of time, give one pint raw Linseed Oil, one ounce Spirits Turpentine, and one teaspoonful Emmett's Specific—all mixed together. Give as a drench and repeat in one hour. * * * In any mild case of colic, give 15 or 20 drops on the tongue every 15 minutes until relieved, not exceeding 8 doses." borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, was a specific remedy for botts and colic in horses, mules, and cows; would be effective in the treatment of botts and colic in horses, mules, and cows; would be effective in the treatment of all cases of colic in horses, mules, and cows, and would be effective in the treatment of mild cases of colic in horses, mules, and cows; whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted completely of substances which, when used and applied in the method and manner indicated and as directed by the labels affixed to the bottles containing the article, are and were inert substances; that is to say, substances that do not prevent, destroy, repel, or mitigate insects, to wit, botts in horses, mules, and cows, when used and applied in the said method and manner, and the names and percentage amounts of each of the said inert substances or ingredients so present therein were not stated plainly and correctly on the bottle labels or on the cartons containing the said bottles.

On April 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1092. Misbranding of "Liquor Cresolis Co. U. S. P." U. S. v. The Jensen-Salsbery Laboratories, Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1262. Dom. No. 18487.)

On August 8, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Jensen-Salsbery Laboratories (Inc.), a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about October 3, 1922, from the State of Missouri into the State of California, of a quantity of "Liquor Cresolis Co. U. S. P.," which was a misbranded fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted partially of an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly on each or any label borne on the cans containing the said article; nor, in lieu thereof, were the names and percentage amounts of each and every ingredient of the article having fungicidal properties, and the total percentage of the inert substance so present therein stated plainly and correctly on each or any of the said labels.

On May 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1093. Misbranding of "Star Parasite Remover." U. S. v. Carl R. Aker (Star Chemical Co.). Plea of guilty. Fine, \$50. (I. & F. No. 1343. Dom. No. 19049.)

On October 26, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Carl R. Aker, trading as the Star Chemical Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about July 19, 1923, from the State of Missouri into the State of Texas of a quantity of "Star Parasite Remover," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Star Parasite Remover Guaranteed to rid poultry of Lice, Mites, Blue-bugs, Stick-tight fleas or any other parasites that infest poultry * * * Give this to poultry five (5) days and all parasites will disappear. * * * Use twice each month and poultry will stay free of parasites." borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, blue-bugs, stick-tight fleas, and all other parasites that infest poultry, and would keep poultry free from all parasites; whereas the said article, when used as directed, would not be effective for the above purposes.

On June 25, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1094. Misbranding of "Royal Guaranteed Roach Powder." U. S. v. Exterminator Engineers of America, Inc. Plea of guilty. Fine, \$10. (I. & F. No. 1404. Dom. No. 20736.)

On August 3, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Exterminating Engineers of America, Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910,

on or about January 15, 1925, from the State of New York into the State of Oregon, of a quantity of "Royal Guaranteed Roach Powder," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Inert Ingredients 10% Sodium Carbonate, not over 3%, Sodium Sulphate not over 2%, Sodium Chloride, not over 2%, Insoluble in Acid not over 2%, Iron Oxide, not over 1%," borne on the label, affixed to each of the cartons containing the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained as inert ingredients not more than 3 per cent of sodium carbonate, not more than 2 per cent of sodium sulphate, not more than 2 per cent of sodium chloride, not more than 2 per cent of substances insoluble in acid, and not more than 1 per cent of iron oxide, that is to say, substances that do not prevent, destroy, repel, or mitigate insects; whereas the said article contained an inert ingredient, to wit, a considerable amount of starch, which was not stated among the inert ingredients, and the percentage of the various inert ingredients were not correctly stated on the said label.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than sodium fluoride, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances to present therein were not stated plainly and correctly on the label affixed to each of the cartons containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the said label.

On August 23, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. M. JARDINE,

Secretary of Agriculture.

1095. Adulteration and misbranding of "A. D. S. Rat & Roach Paste," U. S. v. A. Radetzky (Peek Drug Speciality Co.). Plea of guilty. Fine, \$40. (I. & F. No. 1017. Dom. No. 15751.)

On May 31, 1921, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against A. Radetzky, a member of a firm trading as the Peek Drug Specialty Co., New York, N. Y., alleging that on or about January 23, 1920, the said defendant has sold, under a guarantee that the article should meet the requirements of the insecticide act of 1910, a quantity of "A. D. S. Rat & Roach Paste," which was an adulterated and misbranded insecticide within the meaning of said act, and that on or about March 11, 1920, the said article, in the identical condition as when received by the purchaser, was shipped by the said purchaser from the State of New York into the State of Virginia in further violation of the said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Contains 2½% Phosphorous 97½% Inert Substance," borne on the labels affixed to the cans containing the said article and on the cartons inclosing the said cans, represented that its standard and quality were such that it contained phosphorus, which said substance is effective in preventing, destroying, repelling, and mitigating certain insects, to wit, roaches and water bugs, in the proportion of 2½ per cent, and contained inert substances, that is to say, substances that are not effective in preventing, destroying, repelling, or mitigating roaches and water bugs, in the proportion of not more than 97½ per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 2½ per cent of phosphorus and more than 97½ per cent of inert ingredients.

Misbranding was alleged for the reason that the statements, to wit, "Contains 2½% Phosphorous 97½% Inert Substance," borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained 2½ per cent of phosphorus and 97½ per cent of inert ingredients; whereas it contained less than 2½ per cent of phosphorus and more than 97½ per cent of inert ingredients.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than phosphorus, which said inert substances do not prevent, destroy, repel, or mitigate insects, to wit, roaches and water bugs, and the names and percentage amounts of each and every one of the said inert substances so present in the article were not stated correctly on each or any label affixed to the cans or cartons containing the article; nor, in lieu thereof, were the names and percentage amounts of each and every ingredient of the article having insecticidal properties, and the total percentage of the said inert substances so present therein stated correctly on any of the labels affixed to the said cans and cartons.

On December 21, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$40.

W. M. JARDINE,
Secretary of Agriculture.

1096. Misbranding of "Carbolacene." U. S. v. Carbolacene Co. of America, Inc. Plea of guilty. Fine, \$20. (I. & F. No. 1410. Dom. No. 21280.)

On August 25, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Carbolacene Company of America, Inc., New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about October 6, 1925, from the State of New York into the State of Maryland, of a quantity of "Carbolacene," which was a misbranded fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contains no injurious chemicals or free Carbolic Acid. * * * 'Carbolacene' The Real Disinfectant Cleanser * * * Directions Always use one cupful 'Carbolacene' to one pail of water * * * Uses: On Board Ship:—For Ships' Decks, Saloons, Staterooms, Bedrooms, Deck Houses, Galleys and all Paint Work, Bilges, Lavatories and Tanks, Engine Rooms, Institutions, Hotels, Railroads, Etc.:—Cleaning and purifying Dining Rooms, Kitchens, Rest Rooms, Sleeping Quarters, Lavatories, Drains, Sinks, Corridors. Cleaning Furniture, Floors and Paint Work. Washing Stables, Kennels, Piggeries * * * In the Home:—To keep a house thoroughly sweet and clean, and proof against disease, wash from top to bottom with 'Carbolacene.' " borne on the label affixed to each of the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained no injurious chemicals and no free carbolic acid, and that, when used as directed, it would disinfect ships' decks, saloons, staterooms, deck houses, galleys, all paint work, bilges, lavatories, tanks, engine rooms, dining rooms, kitchens, rest rooms, sleeping quarters, drains, sinks, and homes, and would make the home proof against disease; whereas the said article contained an injurious chemical to wit, coal-tar phenols, which are injurious and poisonous, and when used as directed, it would not disinfect ships' decks, saloons, staterooms, deck houses, galleys, all paint work, bilges, lavatories, tanks, engine rooms, dining rooms, kitchens, rest rooms, sleeping quarters, drains, sinks, and homes, and would not make the home proof against disease.

On September 8, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$20.

W. M. JARDINE,
Secretary of Agriculture.

1097. Adulteration and misbranding of "Crude Carbolic Acid." U. S. v. Thompson-Hayward Chemical Co. Plea of nolo contendere. Fine, \$50. (I. & F. No. 1409. Dom. No. 21170.)

On September 7, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Thompson-Hayward Chemical Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about September 16, 1925, from the State of Missouri into the State of Utah, of a quantity of "Crude Carbolic Acid," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, "Crude Carbolic Acid," borne on the drug containing the article was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that it represented that the said article consisted of crude carbolic acid, whereas it did not consist of crude carbolic acid, but did consist of a mixture of mineral oil, coal-tar neutral oils, phenols, and water.

Adulteration was alleged for the reason that the statement, "Crude Carbolic Acid," borne on the said drum, represented that its standard and quality were such that it consisted of crude carbolic acid, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it did not consist of crude carbolic acid, but did consist of a mixture of mineral oil, coal-tar neutral oils, phenols, and water. Adulteration was alleged for the further reason that a substance, to wit, mineral oil, had been substituted in part for crude carbolic acid, which the article purported to be.

On November 1, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1098. Misbranding of "J-O Bug Kill Fluid." U. S. v. John Opitz, Inc. Plea of guilty. Fine, \$1. (I. & F. No. 1415. Dom. No. 19873.)

On October 11, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against John Opitz (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 6, 1925, from the State of New York into the State of Pennsylvania, of a quantity of "J-O Bug Kill Fluid," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, "Contents 16 Fluid Ounces," borne on the label affixed to the packages containing the said article, represented that each of said packages contained 16 fluid ounces of the article; whereas the contents of the packages were not correctly stated on the label thereof, in that the said packages each contained less than 16 fluid ounces of the article.

On November 3, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$1.

W. M. JARDINE,
Secretary of Agriculture.

1099. Misbranding of "2 in 1 Lice and Mite Remover." U. S. v. Dozen Bottles of "2 in 1 Lice and Mite Remover." Default decree of condemnation and destruction entered. (I. & F. No. 1405. S. No. 172.)

On June 1, 1926, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying condemnation and forfeiture of 26 dozen bottles of "2 in 1 Lice and Mite Remover." It was alleged in the libel that the article had been shipped on or about February 5, 1926, by the 2 in 1 Poultry Supply Co., Kansas City, Mo., from the State of Missouri into the State of Tennessee, and that having been so transported it remained unsold at Memphis, Tenn., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, to wit, "Trade '2 in 1' Mark Rids and Prevents Lice and Mite Remover The Contents of This Bottle is Sufficient to make 200 Gallons. This preparation is absolutely Guaranteed to rid poultry of all parasites such as lice, mites, stick-tite fleas or blue-bugs. '2 in 1' Lice and Mite Remover is harmless and nonpoisonous. It will not taint the flesh or the eggs. It is a wonderful tonic and blood-purifier for young and old fowls. Directions: Keep bottle tightly corked. Mix ten (10) drops of '2 in 1' Lice and Mite Remover with every gallon of drinking water. If possible, do not use metal containers for the water." borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they

represented that the article, when used as directed, would be an effective remedy against lice and mites and against all poultry parasites such as lice, mites, stick-tite fleas and blue-bugs; whereas in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients; that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used in the method and manner as directed, and the name and percentage amount of each and every one of the said inert substances or ingredients so contained therein were not stated plainly and correctly on the label affixed to each of the bottles containing the said article.

On January 3, 1927, no claimant having appeared for the property, judgment of the court was entered finding that the product should be condemned as misbranded and ordering that it be destroyed by the United States marshal.

W. M. JARDINE,
Secretary of Agriculture.

1100. Misbranding of "Aseptogen." U. S. v. Jensen-Salsbery Laboratories, Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1325. Dom. Nos. 18478, 19328.)

On March 31, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Jensen-Salsbery Laboratories, Inc., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about February 29, 1924, from the State of Missouri into the State of Illinois, of a quantity of "Aseptogen," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "A water soluble combination of volatile oils with thymol. * * * Aseptogen * * * Germicide * * * Unexcelled in surgery, obstetrics and canine practice. For general purposes use a 2% solution in warm water. * * * In a 2% solution in warm water for general use. As a general antiseptic in surgery and wound treatment. As an all purpose antiseptic and parasiticide in canine and feline practice * * * Superior Characteristics. Aseptogen as an antiseptic in a 2% solution destroys pus germs." borne on the labels affixed to the bottles and cartons containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article consisted of a combination of volatile oils and thymol, and when used as directed would be an effective germicide for general purposes; would be an effective general antiseptic in surgery and wound treatment; would destroy pus germs in a 2 per cent solution; and would act as an all-purpose antiseptic and parasiticide in canine and feline practice; whereas the said article did not consist of a combination of volatile oils and thymol, but did consist of potash soap, essential oils, thymol, alcohol, and water, and when used as directed it would not be an effective germicide for general purposes, would not be an effective general antiseptic in surgery and wound treatment, would not destroy pus germs in a 2 per cent solution, and would not act as an all-purpose antiseptic and parasiticide in canine and feline practice.

On May 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. M. JARDINE,
Secretary of Agriculture.

